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August 18, 2014

VIA ECF

Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Street
New York, NY 10007

Re: Joshua Wiles v. City of New York et al.,
13 CV 2898 (VSB) (HBP)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants in the above-titled civil rights matter. Defendants write regarding the deposition of Police Officer (P.O.) McNamara, which Your Honor ordered be conducted within the week of August 18, 2014, on a day and time convenient to all parties (please see DKT# 96).

As your Honor is aware, on or about August 14, 2014, the parties attended a telephone conference before Judge Pitman in which the parties discussed, inter alia, the rescheduling of P.O. McNamara's deposition from August 14, 2014 until sometime during the week of August 18, 2014. On or about that time plaintiff's counsel David Thompson communicated that Thursday August 21, 2014 or Friday August 22, 2014 were dates in which he would be available to conduct the deposition of P.O. McNamara. Additionally, between August 13, 2014 and August 14, 2014 defendants submitted P.O. McNamara's CCRB, IAB and CPI histories to plaintiff's counsel.

Today, at approximately, 12:24pm, I received an email from Mr. Thompson with an attached letter indicating that he could not move forward with the deposition on Thursday or Friday (the dates are no longer available) as defendants did not confirm on August 15, 2014 which of those dates P.O. McNamara was available to be deposed (see attached as Exhibit A). I

responded to Mr. Thompson's letter via email at 3:28pm affirming that P.O. McNamara is available to be deposed on Thursday August 21, 2014. I also informed him that both dates should have been secured on his end as those were the dates he chose and communicated to defendants for the deposition (see attached as Exhibit B).

In either event, Mr. Thompson has proposed new dates, including dates for the week of September 15, 2014. As such defendants ask the Court to allow plaintiff the opportunity to take Officer McNamara's deposition during the week of September 15, 2014, on a day and time convenient to all parties.

Thank you for your consideration.

Respectfully submitted,

_____/s_____
Joy T. Anakhu
Assistant Corporation Counsel

cc: Honorable Henry B. Pitman
United States Magistrate Judge

David Thompson Esq.
Attorney for Plaintiff